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DECLARATION AND POWER OF
ATTORNEY FOR PATENT APPLICATION
(37 CFR 1.63)

Declaration Submitted with Initial Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16(e))
required)

Attorney Docket Numb	ber 42P17893	_
First Named Inventor	Matthew Mattina	_
	COMPLETE IF KNOWN	_
Application Number	10/749,752	_
Filing Date	December 30, 2003	
Art Unit	2186	_
Examiner Name		_

#### As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below, next to my name.

I believe I am the original and first inventor (if only one name listed below) or an original and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A PROTOCOL FOR MAINT	AINING CACHE COHERENCY IN A CMP
(	Title of the Invention)
the specification of which	
is attached hereto.	
OR	i .
PCT Internati	ates Application Number10/749,752onal Application Number
and was amended on	(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above.

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Docket No. 42P17893

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s):

	Prior Foreign Application Number(s)	Country		Foreign Filing Da (MM/DD/YYYY)	1 '	Priority I Claimed	Certified Copy Attached?
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Ad	Idress 12400 Wilshire Box	ilevard, 7th Floor					
CI	y Los Angeles		State	California		Zip Code	90025
Co	untry	Telept	none	(408) 720-8300		Fax	(408) 720-8383
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Docket No. 42P17893

NAME OF SECON	D INVENTOR:	A petition has	s been filed for this und	dersigned inventor
Full Name:	·	G	George Z. Chrysos	
	(Fir	rst, Middle [if any], Fa	mily Name (or Surname), a	nd Suffix (if any))
Inventor's Signature	· 63	fr-	Date	5/26/04
Residence Milf	ord, Massachusetts		Citizenship	
Mailian Addus		ate, Country)		(Country)
Mailing Address	38 Mill Pond Circl			
	Milford, Massach	setts 01757 USA		<u> </u>
NAME OF THIRD II	NVENTOR:	☐ A petition has	been filed for this und	lersigned inventor
Full Name:				
	(Fir:	st, Middle [if any], Far	nily Name (or Surname), an	ed Suffix (If anyl)
Inventor's Signature				
Residence				
	(Cin Sec	ite, Country)	Citizenship	(Country)
Mailing Address	(City , Bita	······································		(Country)
NAME OF FOURTH	INVENTOR:	A petition has	been filed for this und	ersigned inventor
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Inventor's Signature				u sujju [ij anyj)
Residence			Citizenship	
Mailing Address		te, Country)		(Country)
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NAME OF FIFTH IN	VENTOR:	A petition has	been filed for this unde	ersigned inventor
Full Name:	<del></del>		· ·	
Inventor's Signature	(First	t, Middle [if any], Fam	ily Name (or Surname), and Date	I Suffix [if any])
Residence			Citizenship	
Mailing Address	(City , Stat	e, Country)	VALEBIISIND	(Country)
Dooley No. 42D17902	<del> </del>			



#### Appendix A

I hereby appoint with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, a firm Including: William E. Alford, Reg. No. 37,784; Farzad E. Amini, Reg. No. 42,281; Anthony H. Azure, Reg. No. 52,580; W. Thomas Babbitt, Reg. No. 39,591; Jordan M. Becker, Reg. No. 39,602; Todd. M. Becker, Reg. No. 43,487; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 48,149; Gregory D. Caldwell, Reg. No. 39,926; Thomas M. Coester, Reg. No. 39,637; Mimi D. Dao, Reg. No. 45,628; Stephen M. De Klerk, Reg. No. 46,503; Daniel M. De Vos, Reg. No. 37,813; Sanjeet Dutta, Reg. No. 46,145; Tarek N. Fahmi, Reg. No. 41,402; Thomas S. Ferrill, Reg. No. 42,532; Angelo J. Gaz, Reg. No. 45,907; Andre M. Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; J. Scott Helleson, Reg. No. 46,766; James A. Henry, Reg. No. 41,064; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Steve Laut, Reg. No. 47,736; Suk S. Lee, Reg. No. 47,745; Gordon R. Lindeen III, Reg. No. 33,192; Jan C. Little, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, Reg. No. 48,095; Raul D. Martinez, Reg. No. 48,904; Paul A. Mendonsa, Reg. No. 42,879; Jonathan S. Miller, Reg. No. 48,534; Heather M. Molleur, Reg No. 50,432; Richard A. Nakashima, Reg. No. 42,023; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Phillip A. Pedigo, Reg. No. P-52,107; Marina Portnova, Reg. No. 45,750; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Kevin G. Shao, Reg. No. No. 35,658; William W. Schaal, Reg. No. 35,016; James G. Scheller, Reg. No. 31,150; Revill G. Shao, Reg. No. 45,095; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Edwin H. Taylor, Reg. No. 25,129; Lisa Torn, Reg. No. P-52,291; Kerry D. Tweet, Reg. No. 45,959; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Lester J. Vincent, Reg. No. 31,460; John P. Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 48,322; Thomas C. Webster, Reg. No. 48,154; C. Teresa Wong, Reg. No. 48,042; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Brent E. Vecchia, Reg. No. 48,011, and Lehua Wang, Reg. No. 48,023; my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800. I also appoint Alan K. Aldous, Reg. No. 31,905; Rob D. Anderson, Reg. No. 33,826; Shireen I. Bacon, Reg. No. 40,494; Michael Barre, Reg. No. 44,023; Jay P. Beale, Reg. No. 50,901; R. Edward Brake, Reg. No. 37,784; Ben Burge, Reg. No. 42,372; Robert Chang, Reg. No. 48, 765; George Chen, Reg. No. 50,807; Glen B. Chol, Reg. No. 43,546; Kenneth Cool, Reg. No. 40,670; Ted A. Crawford, Reg. No. 50,610; Robert Diehl, Reg. No. 35,118; Jeffray S. Draeger, Reg. No. 41,000; Cynthia Ted A. Crawford, Reg. No. 50,610; Robert Dieni, Reg. No. 35,118; Jettrey S. Draeger, Reg. No. 41,000; Cyntriae Thomas Faatz, Reg No. 39,973; Christopher Gagne, Reg. No. 36,142; Sharmini N. Green, Reg. No. 41,410; Robert Greenberg, Reg. No. 44,133; Bradley Greenwald, Reg. No. 34,341; Libby Hope, Reg. No. 46,774; Jetfrey B. Huter, Reg. No. 41,088; Seth Z. Kalson, Reg. No. 40,670; Peter Lam, Reg. No. 44,855; Issac Lin, Reg. No. 50,672; Anthony Martinez, Reg. No. 44,223; Molly McCall, Reg. No. 46,126; Larry Mennemeler, Reg. No. 47,240; AZ 240; AZ 2 50,672; Anthony Martinez, Reg. No. 44,223; Molly McCall, Reg. No. 40,120; Letry Intertheliate, Reg. No. 51,003; Erik M. Metzger, Reg. No. 53,320; Paul Nagy, Reg. No. 37,898; Michael J. Nesheiwat, Reg. No. 47,819; Dennis A. Nicholfa, Reg. No. 42,036; Lanny Parker, Reg. No. 44,281; Alan Pedersen-Giles, Reg. No. 39,996; Michael D. Plimler, Reg. No. 43,004; Michael Proksch, Reg. No. 43,021; Kevin A. Reif, Reg. No. 36,381; Crystal D. Sayles, Reg. No. 44,318; Russell Scott, Reg. No. 43,103; Kenneth M. Seddon, Reg. No. 43,105; Mark Seeley, Reg. No. 32,299; Ami P. Shah, Reg. No. 42,143; David Simon, Reg. No. 32,758; Steven P. Skabrat, Reg. No. Reg. No. 32,299; Ami P. Shan, Reg. No. 42,143; David Simon, Reg. No. 32,756; Steven P. Skabrat, Reg. No. 36,279; Paul E. Steiner, Reg. No. 41,326; Joni D. Stutman-Horn, Reg. No. 42,173; David Tran, Reg. No. 50,804; John F. Travis, Reg. No. 43,203; Robert Wawrzyn, Reg. No. 54,854; Calvin E. Wells, Reg. No. 43,256; Stuart Whittington, Reg. No. 45,215; Michael Willardson, Reg. No. 50,856; Robert Winkle, Reg. No. 37,474; Rita Wisor, Reg. No. 41,382; Sharon Wong, Reg. No. 37,760; and Steven D. Yates, Reg. No. 42,242; my patent attorneys, and my patent agents, of INTEL CORPORATION, with offices located at 2200 Mission College Bivd., Santa Clara, CA 95052; telephone (408)765-8080; and James R. Thein, Reg. No. 31,710, and John F. Kacvinsky, Reg. No. 40,040, my catant attorneys with full course of substitution and reversible to appreciate this application and No. 40,040, my patent attorneys; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



### Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of cander and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit Information, which is not material to the patentability of any existing claim. The duty to disclose all Information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by \$\$1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or examine:
  - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filling or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facle case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facte case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.



DECLAR	ATIO	ON AND POWER OF	Attorney Docket Numb	er	42P17893	<u> </u>
ATTORNEY	FOR	PATENT APPLICATION	First Named Inventor	Ma	tthew Mattina	
	(37	CFR 1.63)		ОМІ	PLETE IF KNOWN	
-			Application Number	10.	7749,752	
Declaration		Declaration Submitted after Initial	Filing Date	De	ecember 30, 2003	
Submitted with Initial	OR	Filing (surcharge	Art Unit	21	86	
Filing		(37 CFR 1.16(e))	Examiner Name			

#### As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below, next to my name.

I believe I am the original and first inventor (If only one name listed below) or an original and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A PROTOCOL FOR MAINTAINING CACHE COHERENCE	CY IN A CIVIP
	·
(Title of the Invention)	
(Title of the Inventions)	
the specification of which	
is attached hereto.	
OR	
was filed on (if applicable):  oras United States Application Number PCT International Application Number	10/749,752
and was amended on	(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above.

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

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(978)553-2800

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or Inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior	Foreign	Appli	cations	s):
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Name B	lakely, Sokoloff,	Taylor & Zafman	LLP				
Address 1	2400 Wilshire Bo	oulevard, 7th Floor					
City I	os Angeles		State	California		Zip Code	90025
City I.	os Angeles	Т		California (408) 720-8300		Zip Code Fax	90025 (408) 720-8383
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Docket No. 42P17893

ull Name:	Geo	orge Z. Chrysos by Name (or Surname), and St	offix (if anyl)
	(First, Middle [ij any], Fami		Solver
ventor's Signature _	JA/1-	Date <u>S</u>	139704
	Massachusetts USA	Citizenship <u>US</u>	Α .
esidence <u>Milford</u> ,	(City, State, Country)		(Country)
ailing Address 38	Mill Pond Circle		·
	lford, Massachusetts 01757 USA		
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IAME OF FOURTH I	IVENTOR: LI A petition has	Deeu lied for alls anders	signed inventor
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	ENTOR: A potition has	been filed for this under	signed inventor
NAME OF FIFTH INV	ENTOR: A petition has	been filed for this under	signed inventor
	ENTOR: A petition has	been filed for this under	signed inventor
		·	
Full Name:	(First, Middle [if any], Fan	nily Name (or Surname), and	
Full Name:		·	
Full Name: Inventor's Signature	(First, Middle [if any], Fan	nily Name (or Surname), and	Suffix [if any])
Full Name:	(First, Middle [if any], Fan	nlly Name (or Surname), and Date	
Full Name:  nventor's Signature  Residence	(First, Middle [if any], Fan	nlly Name (or Surname), and Date	Suffix [if any])
Full Name:	(First, Middle [if any], Fan	nlly Name (or Surname), and Date	Suffix [if any])



#### Appendix A

I hereby appoint with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, a firm including: William E. Alford, Reg. No. 37,764; Ferzad E. Aminil, Reg. No. 42,281; Anthony H. Azure, Reg. No. 52,580; W. Thomas Babbitt, Reg. No. 39,591; Jordan M. Becker, Reg. No. 39,602; Todd. M. Becker, Reg. No. 43,487; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Thomas M. Coester, Reg. No. 39,637; Mimi D. Dao, Reg. No. 45,628; Stephen M. De Klerk, Reg. No. 46,503; Daniel M. De Vos, Reg. No. 37,813; Sanjeet Dutta, Reg. No. 46,145; Tarak N. Fahmi, Reg. No. 41,402; Thomas S. Ferrill, Reg. No. 42,532; Angelo J. Gaz, Reg. No. 46,907; Andre M. Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; J. Scott Helleson, Reg. No. 46,765; James A. Hanne, Reg. 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No. 45,095; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Edwin H. Taylor, Reg. No. 25,129; Lisa Tom, Reg. No. P-52,291; Kerry D. Tweet, Reg. No. 45,959; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Lester J. Vincent, Reg. No. 31,460; John P. Ward, Reg. No. 40,216; Mark C. Van Ness, Reg. No. 40,216; Mark C. Va Mark L. Watson, Reg. No. 48,322; Thomas C. Webster, Reg. No. 48,154; C. Teresa Wong, Reg. No. 48.042; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Brent E. Vecchia, Reg. No. 48,011, and Lehua Wang, Reg. No. 48,023; my patent agents, with Occased at 12400 Wilshire Boulevard, 7th Floor, Wang, Reg. No. 48,023; my parent agents, with offices located at 12400 Wilshife Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800. I also appoint Alan K. Aldous, Reg. No. 31,905; Rob D. Anderson, Reg. No. 33,826; Shireen I. Bacon, Reg. No. 40,494; Michael Barre, Reg. No. 44,023; Jap P. Beale, Reg. No. 50,901; R. Edward Brake, Reg. No. 37,784; Ben Burge, Reg. No. 42,372; Robert Chang, Reg. No. 40,023; Jap P. Beale, Reg. No. 40,023; Jap P. Beale, Reg. No. 50,901; R. Edward Brake, Reg. No. 37,784; Ben Burge, Reg. No. 42,372; Robert Chang, Reg. Beale, Reg. No. 50,901; K. Edward Brake, Reg. No. 37,764; Ben Burge, Reg. No. 42,372; Robert Chang, Reg. No. 48, 765; George Chen, Reg. No. 50,807; Glen B. Choi, Reg. No. 43,646; Kenneth Cool, Reg. No. 40,670; Ted A. Crewford, Reg. No. 50,810; Robert Diehl, Reg. No. 31,118; Jeffrey S. Dræger, Reg. No. 41,000; Cyrithia Thomas Faatz, Reg No. 39,973; Christopher Gagne, Reg. No. 36,142; Sharmini N. Green, Reg. No. 41,410; Robert Greenberg, Reg. No. 44,133; Bradley Greenwald, Reg. No. 34,341; Libby Hope, Reg. No. 46,774; Jeffrey B. Huter, Reg. No. 41,086; Seth Z. Kalson, Reg. No. 40,670; Peter Lam, Reg. No. 44,855; Issac Lin, Reg. No. 46,856; 50,672; Anthony Martinez, Reg. No. 44,223; Molly McCall, Reg. No. 46,126; Lerry Mennemeler, Reg. No. 51,003; Erik M. Metzger, Reg. No. 53,320; Paul Nagy, Reg. No. 37,898; Michael J. Nesheiwat, Reg. No. 47,819; Dennis A. Nicholis, Reg. No. 42,038; Larny Parker, Reg. No. 44,281; Alan Pedersen-Giles, Reg. No. 39,996; Michael D. Pilmier, Reg. No. 43,004; Michael Proksch, Reg. No. 43,021; Kevin A. Reif, Reg. No. 36,381; Crystal D. Sayles, Reg. No. 44,318; Russell Scott, Reg. No. 43,103; Kenneth M. Seddon, Reg. No. 43,105; Mark Seeley, Reg. No. 32,299; Ami P. Shah, Reg. No. 42,143; David Simon, Reg. No. 32,756; Steven P. Skabrat, Reg. No. 36,279; Paul E. Stelner, Reg. No. 41,326; Joni D. Stutman-Horn, Reg. No. 42,173; David Tran, Reg. No. 50,804; 36,279; Paul E. Steiner, Reg. No. 41,326; Johl D. Stutman-Horri, Reg. No. 42,173; David Tran, Reg. No. 43,200; John F. Travis, Reg. No. 43,203; Robert Warrzyn, Reg. No. 54,664; Calvin E. Wells, Reg. No. 43,256; Stuert Whittington, Reg. No. 45,215; Michael Willerdson, Reg. No. 50,856; Robert Winkle, Reg. No. 37,474; Ritha Wisor, Reg. No. 41,382; Sharon Wong, Reg. No. 37,760; and Steven D. Yates, Reg. No. 42,242; my patent attorneys, and my patent agents, of INTEL CORPORATION, with offices located at 2200 Mission College Blvd., Santa Clara, CA 95052, telephone (408)765-8080; and James R. Thein, Reg. No. 31,710, and John F. Kacvinsky, Reg. Clara, CA 95052, telephone (408)765-8080; and James R. Thein, Reg. No. 31,710, and John F. Kacvinsky, Reg. No. 31,710, an No. 40,040, my patent attorneys; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



## Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good falth in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of any claim is cancelled or withdrawn from consideration need not be submitted if the Information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by \$\$1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filling or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.